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San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

Alpha Kappa Psi Fraternity

Case Creation Date:

- October 30, 2023

Incident Summary:

- *It was reported that there were potential issues with the Alpha Kappa Psi new member process.*

Student Organization Code of Conduct Violations:

- (8) Failure to Comply, including
 - (A) Failure to comply with the directions of University officials acting in the performance of their official duties,
 - (C) Failure to follow all policies and procedures established by the University pertaining to student organizations, including fraternities and sororities, as outlined in the Student Organizations Handbook,
- Hazing includes, but it not limited to
 - (I) Requiring individuals to perform any act(s) which are construed to be humiliating or degrading in nature,
 - (K) Peer pressure to engage in activities against the individual's will,
 - (L) Carrying or wearing any item(s) setting pledges/new members apart from the members. It is acceptable for new members to wear a pledge pin; however, it should be noted that members also have membership badges/pins that should be worn simultaneously,
 - (O) Requiring activities that interfere with academic studies, assignments, or classes such as awakening individuals in the night for organizational activities, interfering with normal sleep or study schedules, food or sleep deprivation; requiring "take home" assignments that interfere with academic work; serenading or addressing houses/apartments. At no time may a group violate the City noise ordinance.
- (14) Hazing
 - Hazing in every form or conspiracy to haze is prohibited. San José State University takes a zero-tolerance approach to hazing.
 - Commission of hazing can be considered either a misdemeanor or a felony,

punishable by up to one year in jail and up to a \$5000 fine.

- Participation in a hazing practice may result in both individual and organizational disciplinary action.
- Hazing is defined in Section 41301 of Title 5 of the California Code of Regulations as "any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily danger to any former, current, or prospective student of any school, community college, college, university or other educational institution in this state (Penal Code 245.6) and in addition, any act likely to cause physical or mental harm, to any former, current, or prospective student of any school, community college, college, university, or other educational institution; the term 'hazing' does not include customary athletic events or school sanction events.
- Neither the express or complied consent of a victim of hazing, nor the lack of active participation in a particular hazing incident is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section."

- (17) Pledging and New Member Intake
 - Student organizations that are not in compliance with pledging/new-member education requirements as outlined in their local and national constitutions and/or by-laws.
- (23) Violation of Student Organization Conduct Procedures and Sanctions including:
 - (B) Disruption or interference with the orderly progress of a student organization discipline proceeding.
 - (G) Failure to comply with the sanction(s) imposed under a student organization discipline proceeding, which may result in further disciplinary action and/or additional sanction(s).

Sanctions:

- **Organizational Probation at the University until June 1, 2025.**
 - Disciplinary Probation is a period of time in which the privileges of continuing as an RSO are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which an RSO would otherwise be entitled, and/or the probability of more severe disciplinary sanction if the organization is found to violate the Student Organization Code of Conduct or any University policy during the probationary period. Any conduct-related sanctions related to a violation of Organization Disciplinary Probation shall be determined by the Director of Student Conduct and Ethical Development, or the person's designee, in accordance with University policy governing the student organization Conduct process
 - Probation is entered on the Student Involvement website (i.e., "Recognized

Student Organization (RSO) Conduct"), with beginning and end date.

- **Meetings with the Director of Student Involvement, or the person's designee, while the organization is on Organization Disciplinary Probation.**

- Meetings should occur monthly. // Meetings should occur every-other-week for the remainder of the 2024 spring semester and then monthly until the end of the probationary period. You are not required to meet during breaks, including the summer period.
- 'Contact Jon Tucker, Director of Student Involvement at john.tucker@sjsu.edu to begin scheduling.
- The Director of Student Involvement will provide your adjudicator with confirmation of your participation.

- **Review and revise the organization's New Member Plan in consultation with Student Involvement before the start of the next recruitment cycle and/or before engaging with any current new members.**

- First, members of the organization must work on an updated and revised new member plan in consultation with the Director of Student Involvement, or the person's designee, on an updated and revised new member plan.
- Then, the revised new member plan must be submitted to (and approved by) the Director of Student Conduct and Director of Student Involvement, or their designees.
- Until the revised plan is submitted and approved, the organization shall not be permitted to begin any new member activities (e.g., canvassing, tabling, recruitment, hosting activities, training pledges, new member plans, etc.)

- **Complete any Requirements or Sanctions Assigned by Alpha Kappa Psi Headquarters.**

- Complete any sanctions or requirements assigned by your national headquarters due to this incident.
- Proof of completion should be provided to Student Conduct and Ethical Development.